

[2] We note that while we have jurisdiction to hear this appeal, it should have been placed in front of a single judge. Rather than delay the hearing of the appeal and given that there was no objection to proceeding with the appeal today, it was our view that we should proceed since neither counsel had requested that it be placed before a panel.

[3] The appellant's position is that the Deputy Judge failed to provide sufficient reasons on a key issue in the trial, namely the appellant's assertion that the respondent did not provide the right type, nature or colour of material. As summarized, by the Ontario Court of Appeal in *Mapleridge Community Management Ltd. v. Peel Condominium Corporation* No. 231 2015 ONCA 520 at para. 35:

Reasons from the Small Claims Court must be sufficiently clear to permit judicial review on appeal. They must explain to the litigants what has been decided and why. However, appellate consideration of Small Claims Court reasons must recognize the informal nature of that court, as well as the volume of cases it handles and its statutory mandate to deal with these cases efficiently. In short, in assessing the adequacy of the reasons, context matters. Just as oral reasons will not necessarily be as detailed as written reasons, reasons from the Small Claims Court will not always be as thorough as those in Superior Court decisions. Failing to take the Small Claims Court context into account only serves to restrict access to justice by unnecessarily imparting formality and delay into a legal process that is designed to be informal and efficient. (Citations omitted)

[4] In this case the Deputy Judge gave oral reasons. While he did not directly address the appellant's complaints regarding the material he was supplied, he made a clear finding that the appellant's version of events had no credibility. He also found that, after receiving the materials in question, the appellant installed the materials at his residence and continued to use the materials. This supports the Deputy Judge's view that the appellant was satisfied with the materials he received. Therefore, we find that the Deputy Judge's reasons were sufficient to address the issue raised. For these reasons the appeal is dismissed.

Costs

[5] As the successful party, the respondent is entitled to its costs of this appeal which we fix in the amount of \$10,000.00, all inclusive.

H. E. Sachs J.

I agree

G. W. King J.

I agree

A. Doyle J.

Date of Reasons for Judgment: January 29, 2024

Date of Release: February 1, 2024

CITATION: Covach v. Grand River Natural Stone Ltd., 2024 ONSC 708
COURT FILE NO.: DC-23-201
DATE: 2024/02/01

ONTARIO

**SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

SACHS, KING and DOYLE JJ.

B E T W E E N:

Robert Covach

Appellant

- and -

Grand River Natural Stone Ltd.

Respondent

ORAL REASONS FOR DECISION

SACHS, KING and DOYLE JJ.

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